

REMARKS

Allowance of Claims

Applicants appreciate the Examiner's allowance of Claims 29, 30, 35 and 36.

The Examiner also states that Claim 33 is objectionable as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 33 depends on Claim 32. As explained below, Applicants have overcome the objection and rejection to Claim 32, and therefore, it is respectfully requested that Claim 33 now be allowed.

Applicants also appreciate the Examiner's reversal of his prior opinion in the parent application, 09/798,608. In that application, the Examiner rejected Claim 1 under 35 USC §103 over Burrows (US 6,403,392). In response, Applicants canceled Claim 1 without prejudice and decided to prosecute that claimed subject matter in the present application. In the present application, Claim 1 is similar to prior Claim 1 of the '608 application. In this application, however, the Examiner has considered Burrows and determined that Claim 1 is patentable over Burrows, which Applicants appreciate.

Entry of Amendment

As explained below, this amendment merely places the application in a condition for allowance. In accordance with 37 CFR §1.116(b)(1), this amendment is merely complying with a requirement as to form set out in the Final Rejection. Therefore, it is respectfully requested that this amendment be entered and considered at this time.

Applicants will now address the Examiner's remaining objections and rejections in the order in which they appear in the Final Rejection.

Claim Objections

In the Final Rejection, the Examiner objects to Claims 26 and 32 for an alleged informality. In particular, the Examiner objects to the term "disposing" in these claims and requests that it be changed to "placing." In response, Applicants are amending the claims in accordance with the Examiner's suggestion. Therefore, it is respectfully requested that this objection be withdrawn.

Claim Rejections - 35 USC §112

The Examiner also rejects Claims 28, 31, 34 and 37 under 35 USC §112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

In particular, the Examiner objects to the recital in the claims that the "light emitting device is a passive light emitting device" and contends that he could find no reference in the preferred embodiments or original claims for this feature. Applicants respectfully disagree.

Embodiment 6 on page 28, ln. 7 to page 29, ln. 18 of the specification and Fig. 14 of the application as originally filed describes using the present invention in a passive type (simple matrix type) EL display device. Hence, this claimed feature is clearly supported by the specification and drawings as originally filed, and it is respectfully requested that this rejection be withdrawn.

Double Patenting

The Examiner also rejects Claims 1, 18-24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9, 18, 10, 11, 12, 13, 14, 15 of US 6,699,739 and rejects Claims 25 and 26-28 and 32 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9 and {9, 18} of US 6,699,739. This rejection is also respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are submitting a terminal disclaimer and fee herewith. Therefore, it is respectfully requested that this rejection be withdrawn.

Information Disclosure Statement

Applicants filed an information disclosure statement (IDS) on June 30, 2005, prior to receiving this Final Rejection. It is respectfully requested that this IDS be entered and considered prior to the issuance of any further action for this application.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

Please charge our deposit account 50/1039 for any fee due for this amendment or for the terminal disclaimer.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Mark J. Murphy', is written over a horizontal line.

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